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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.) 2:12-CR-368-JCM-(PAL)
14 ANTONIO PHILLIP JOHNSON,)
15 Defendant.)

16 **UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS**
17 **EXPIRED IN PROPERTY LISTED IN THE PRELIMINARY ORDER OF FORFEITURE**
18 **AND FINAL ORDER OF FORFEITURE AS TO ANTONIO PHILLIP JOHNSON**

19 The United States of America, by and through Daniel G. Bogden, United States Attorney for
20 the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully
21 notifies this Honorable Court that its interests and rights in the following property expired pursuant
22 to Title 21, United States Code, Section 853(h):

23 1. a Beretta .380 caliber semi-automatic handgun, bearing serial number F180654;
24 and
25 2. any and all ammunition
26 all of which constitutes ("property").

This Notice is made and is based on the papers and pleadings on file herein and the attached Memorandum of Points and Authorities.

A proposed order is submitted with this Notice.

Dated this 8th day of November, 2013.

DANIEL G. BOGDEN
United States Attorney

/s/ Daniel D. Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

A One-Count Criminal Indictment was returned against Antonio Phillip Johnson (“Johnson”) on October 2, 2012. Criminal Indictment, ECF No. 1. Johnson pled guilty to Count One of the Criminal Indictment (ECF No. 1) on July 9, 2013. Change of Plea Minutes, ECF No. 31; Plea Agreement, ECF No. 32. This Court entered the Preliminary Order of Forfeiture (ECF No. 33) on July 9, 2013, and the Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36) on October 7, 2013, which listed the following property:

1. a Beretta .380 caliber semi-automatic handgun, bearing serial number F180654;
9 and
10 2. any and all ammunition

11 all of which constitutes (“property”).

12 The United States of America (“United States”) does not have custody of the property listed
13 in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio
14 Phillip Johnson (ECF No. 36).

15 The United States’ forfeited interests and rights in the property listed in the Preliminary
16 Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio Phillip Johnson
17 (ECF No. 36) have expired. “Any property right or interest not exercisable by, or transferrable for
18 value to, the United States shall expire and shall not revert to the defendant . . .” Title 21, United
19 States Code, Section 853(h); Title 18, United States Code, Section 1963(f); *see also United States v.*
20 *Conner*, 603 F. Supp.2d 890, 896 (W.D. Va. 2009).

21 Based on the foregoing, this Court should enter an order indicating (a) the United States’
22 interests and rights in the property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the
23 Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36) have expired; and (b) the
24 property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture
25 . . .
26 . . .

1 as to Antonio Phillip Johnson (ECF No. 36) will not revert back to the defendant and/or any
2 person(s) acting in concert with him and/or on his behalf.

3 Dated this 8th day of November, 2013.

4 DANIEL G. BOGDEN
5 United States Attorney

6 */s/ Daniel D. Hollingsworth*
7 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

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PROOF OF SERVICE

I, Michelle C. Lewis, certify that the following individuals were served the within and foregoing **UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS EXPIRED IN THE PROPERTY LISTED IN THE PRELIMINARY ORDER OF FORFEITURE AND FINAL ORDER OF FORFEITURE AS TO ANTONIO PHILLIP JOHNSON** on November 8, 2013, by the below-identified method of service:

CM/ECF:

Brenda Weksler
Federal Public Defender
411 E. Bonneville Avenue
Las Vegas, NV 89101
Email: nancy_vasquez@fd.org
Attorney for Antonio Phillip Johnson

/s/ Michelle C. Lewis
MICHELLE C. LEWIS
Paralegal Specialist

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) 2:12-CR-368-JCM-(PAL)
ANTONIO PHILLIP JOHNSON,)
Defendant.)

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America's interests and rights expired in the property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36) will not revert back to the defendant and/or any person(s) acting in concert with him and/or on his behalf.

IT IS SO ORDERED:

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE
DATED: January 16, 2014